

# EXHIBIT F

CIN-TEL CORPORATION

PH: 513-621-7723

FX: 513-263-9023

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

THE WILLIAM POWELL COMPANY, :  
Plaintiff, :  
vs. : CASE NO.:  
NATIONAL INDEMNITY COMPANY, et al., : 1:14-CV-00807  
Defendants. :  
\_\_\_\_

TELEPHONIC DEPOSITION OF: GRAHAM LOXLEY

December 8, 2016

11:01 a.m.

REPORTED BY:

Renee Rogers, Registered Professional Reporter

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1        UNITED STATES DISTRICT COURT 2        SOUTHERN DISTRICT OF OHIO 3        WESTERN DIVISION 4 5        THE WILLIAM POWELL COMPANY,        : 6        Plaintiff,        : 7        vs.        : CASE NO.: 8        NATIONAL INDEMNITY COMPANY, et al., : 1:14-CV-00807 9        Defendants.        : 10 11 12        Telephonic deposition of GRAHAM LOXLEY, a witness 13        herein, taken by the Plaintiff as upon 14        cross-examination pursuant to notice and stipulations 15        hereinafter set forth, at the offices of Vorys, Sater, 16        Seymour and Pease, LLP, 301 East Fourth Street, Suite 17        3500, Cincinnati, Ohio, at 11:01 a.m. on Thursday, 18        December 8, 2016, before Renee Rogers, Registered 19        Professional Reporter and notary public within and for 20        the state of Ohio. 21 22        Cin-Tel Corporation 23        810 Sycamore Street, Suite 103 24        Cincinnati, Ohio 45202 25        (513) 621-7723	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24
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1        APPEARANCES: 2        On behalf of the Plaintiff: 3        DAVID F. HINE, ESQ. 4        JOSEPH M. BRUNNER, ESQ. 5        KATHERINE G. BARNES, ESQ. 6        Vorys, Sater, Seymour and Pease, LLP 7        3500 Great American Tower 8        301 East Fourth Street 9        Cincinnati, Ohio 45202 10        (513) 723-4000 11        dfhine@vorys.com 12        jmbrunner@vorys.com 13        kgbarnes@vorys.com 14 15 16 17 18 19 20 21 22 23 24	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24

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<p style="text-align: right;">Page 6</p> <p>1           MR. HINE: We are on the record.    2           Good morning, Mr. Loxley. Sorry. It's    3           morning for me. It's afternoon for you.    4           <b>GRAHAM LOXLEY,</b>    5           having acknowledged that his testimony will be    6           given as if under oath, was examined and testified    7           as follows:</p> <p style="text-align: center;">CROSS-EXAMINATION</p> <p>BY MR. HINE:</p> <p>Q If you would, please state your name    for the record.</p> <p>A Certainly. It's Graham Loxley.</p> <p>Q Okay. And, Mr. Loxley, we have a    court reporter with us today on our end of the    line who's going to be transcribing everything    that I say and that you say.</p> <p>She cannot administer an oath over    the telephone, but your attorney has reached an    agreement with us that this testimony will be    offered under oath.</p> <p>Do you understand, then, that    everything you say has to be true and honest and    that your statements will be taken as if they're    under oath?</p>	<p style="text-align: right;">Page 8</p> <p>1           computer in front of you right now?    2           A I have six pieces of paper.    3           Q Can you tell me what those six    4           pieces of paper are.    5           A I can. I have my declaration which    6           was submitted in this case, which is three pages.    7           I have the supplemental declaration also submitted    8           in this case, which is one page. I have a printed    9           page which is an e-mail with the dial-in details    10           for this call. And I have a plain piece of note    11           paper which I've just written your name on.    12           Q Wonderful. If you could just set    13           those aside for me. I understand if you're going    14           to be taking notes, I don't think I have any    15           objection to that at all, but with regard to the    16           declarations, if you could set those aside, I    17           would prefer to ask you questions from your memory    18           today rather than have you review documents.    19           A Okay. Understood.    20           Q Mr. Loxley, did you do anything to    21           prepare for this deposition?    22           A I reread my declaration and I had a    23           telephone conversation with Mr. Garner yesterday.    24           Q Okay. And about how long was that</p>
<p style="text-align: right;">Page 7</p> <p>1           A I understand, yes.    2           Q Wonderful. Mr. Loxley, have you    3           ever been deposed before?    4           A I have, yes.    5           Q Okay. So you understand, then, as I    6           said, that the court reporter will be transcribing    7           what we say, and we need verbal responses    8           throughout the deposition then, correct?    9           A Yes, I understand.    10           Q Okay. And if I at any point ask a    11           question that's unclear, just let me know, and    12           I'll try to ask it in a different way.    13           If you don't ask me to restate the    14           question, though, I'm going to assume that you    15           understood the question. Is that fair?    16           A Okay. Thank you.    17           Q Mr. Loxley, if you could, could you    18           tell me where you're sitting right now.    19           A I'm sitting in a meeting room, a    20           boardroom in my office.    21           Q And your office is located in    22           London; is that correct?    23           A That's correct.    24           Q Do you have any documents or a</p>	<p style="text-align: right;">Page 9</p> <p>1           telephone conversation with Mr. Garner?    2           A I think it was a little over an    3           hour.    4           Q And other than the declaration that    5           you already said you reviewed, did you review any    6           other documents in preparation for today's    7           deposition?    8           A No, I did not.    9           Q Okay. With regard to that    10           declaration -- and I say declaration, but as you    11           already alluded to, you have actually executed two    12           declarations in this case, correct?    13           A That's correct.    14           Q Did you draft or write either of    15           those declarations?    16           A I was provided with an outline which    17           I edited.    18           Q Okay. Do you know who -- well, from    19           who did you receive the outline?    20           A I got it from Mr. Garner or one of    21           his colleagues.    22           Q Okay. But from counsel?    23           A Correct.    24           Q All right. And you said that you</p>

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<p>Page 10</p> <p>1 edited the outline yourself, correct?    2 A That's correct.    3 Q And you reviewed what ultimately    4 became the finished product of the declaration?    5 A I did.    6 Q And you believe that when you signed    7 the declaration it was accurate, correct?    8 A Correct.    9 Q And having reviewed the declaration,    10 in fact, both declarations, since signing them, do    11 you have any reason to believe, as you sit here    12 today, that they are not accurate?    13 A I've got no reason to believe    14 they're not accurate.    15 Q Okay. I'd like to move on to your    16 job description, and in particular, your job as it    17 pertains to Powell. But first, generally, if you    18 could state for the record what your title is and    19 with whom you're employed.    20 A Okay. I'm the head of claims for    21 Armour Risk Management Limited based here in    22 London.    23 Q And what do you do as the head of    24 claims for Armour?</p>	<p>1 Q Okay. And who is -- can you    2 identify that gentleman for me.    3 A His name is Alan Staveley.    4 Q Thank you. Can you spell that,    5 actually, for us.    6 A A-L-A-N, and it's S-T-A-V-E-L-E-Y.    7 Q Okay. Now, that financial data that    8 I understand is commingled and pertains to other    9 clients other than -- or other accounts other than    10 the Powell account, it would contain financial    11 data pertaining to the Powell account, correct?    12 A Correct.    13 Q And did you ever receive that    14 information?    15 A I do receive that information,    16 again, in that commingled form, yes.    17 Q From whom do you receive that    18 information?    19 A From Resolute.    20 Q We'll get to that in a second, I    21 suppose. Well, when you say Resolute, maybe I'm    22 making an assumption I shouldn't here. Is that    23 information e-mailed to you?    24 A It is e-mail, yes.</p>
<p>Page 11</p> <p>1 A I have a team of claims personnel    2 who work for me, and they are responsible for    3 adjusting claims on the various portfolios that we    4 have under management, some of which are owned by    5 Armour, and some of which are managed by other    6 parties under SLAs.    7 Q When you say SLAs, can you tell me    8 what that means.    9 A I apologize. Service level    10 agreements.    11 Q Sure. Do any of the individuals who    12 you manage have any involvement with the Powell    13 account?    14 A Specifically with the Powell    15 account, no.    16 Q Do any of them generally have any    17 involvement with the Powell account?    18 A So one of my colleagues will receive    19 data which is commingled data on multiple    20 policyholders which fall under the NICO    21 reinsurance cover on the OneBeacon portfolio.    22 So he would have had -- he would have seen    23 financial data in relation to William Powell in    24 that regard.</p>	<p>Page 13</p> <p>1 Q Okay. Who at Resolute provides that    2 information to you? Who sends that e-mail to    3 you?    4 A Oh, as I sit here, I don't recall.    5 Q Okay. Do you know how often you    6 receive those e-mails?    7 A We get monthly financial data    8 provided.    9 Q And you continue to get monthly    10 financial data relating to Powell?    11 A Across the portfolio relating to all    12 of the various accounts --    13 Q Including Powell?    14 A -- which would include Powell.    15 Q Yeah. But you do continue to    16 receive those e-mails?    17 A Yes.    18 Q Okay. And since when have you, I    19 suppose, received those e-mails?    20 A To the best of my recollection, it    21 would be from January of 2015.    22 Q Until the present?    23 A Correct.    24 Q Okay. And just for clarification,</p>

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1 this information that we're talking about, this  
 2 financial data, is that -- does that come in the  
 3 form of an attachment to an e-mail? Is it a  
 4 spreadsheet, or a Word document?

5 A It's in spreadsheet form attached to  
 6 an e-mail.

7 Q Okay. Thank you. Now, I think you  
 8 said earlier that you were the head of claims.  
 9 What sort of responsibilities do you have as the  
 10 head of claims?

11 A That's quite a broad question. Can  
 12 you perhaps narrow it, because I could be here  
 13 some time giving you all the different duties that  
 14 I have.

15 Q Let's narrow it to the Powell case.  
 16 What responsibilities do you have as your job  
 17 description pertains to the Powell case?

18 A Okay. Thank you. That's much more  
 19 helpful.

20 Q Sorry.

21 A So with regard to the -- if I can  
 22 talk about the OneBeacon portfolio which we've now  
 23 taken over. So my primary responsibility in that  
 24 regard is to work with Resolute to monitor the

1 Q And then you also mentioned  
 2 monitoring erosion of the National Indemnity  
 3 Company reinsurance covering this portfolio,  
 4 including developments in underlying claims and  
 5 coverage litigation.

6 Tell me about that last part there,  
 7 if you could. What monitoring would you do of  
 8 developments in underlying claims in coverage  
 9 litigation?

10 A Let me describe that perhaps with a  
 11 couple of examples --

12 Q Sure.

13 A -- if I can. So, for instance,  
 14 there may be a situation where an entity has  
 15 alleged they have coverage under OneBeacon  
 16 policies, and that is in dispute. And obviously  
 17 if there is resulting litigation in that regard,  
 18 if that goes -- goes in the favor of OneBeacon,  
 19 then there will be no coverage. If it goes  
 20 against, then there could be significant  
 21 exposure.

22 So something like that would be  
 23 brought to my attention as being a potential  
 24 risk. And if there was an adverse development in

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1 erosion of the NICO reinsurance coverage which is  
 2 in place protecting that portfolio. So I'm  
 3 looking at the amount of throughput of value which  
 4 is eroding that NICO insurance coverage.

5 Q Okay. And what do you do to monitor  
 6 that erosion?

7 A So the data that I was talking about  
 8 that we receive, we obviously see what is going  
 9 through by way of cash flow. We get an indication  
 10 of what is coming through by way of reinsurance  
 11 recovery so we can see what is eroding against the  
 12 cover.

13 And then I will speak with Resolute,  
 14 and they will generally update me on any  
 15 significant areas of activity or concern which may  
 16 be driving that erosion.

17 Q Okay. In your -- in the first  
 18 declaration that you executed in this case, you  
 19 indicated that you had the responsibility for  
 20 overseeing the claims handling contract in place  
 21 with Resolute Management Company in respect of the  
 22 former OneBeacon portfolio. That's what you're  
 23 discussing here; is that correct?

24 A That's correct, yeah.

1 the litigation, then that would be a greater  
 2 exposure under the cover.

3 Q Okay. So do you monitor any  
 4 individual claims? And to keep this in the  
 5 context of the Powell account, which I assume you  
 6 understand pertains to asbestos claims that were  
 7 filed against William Powell Company, do you  
 8 monitor any specific asbestos claims that were  
 9 filed against The William Powell Company?

10 A I do not, no.

11 Q Do you receive any updates regarding  
 12 any of those claims?

13 A I do not, no.

14 Q Okay. Do you play any part in  
 15 determining how Resolute handles claims that were  
 16 filed against The William Powell Company?

17 A No. Not at all.

18 Q Okay. So I suppose what -- if you  
 19 could tell me, what is the purpose of your  
 20 monitoring the claims?

21 A I think it's -- one of the primary  
 22 reasons would be to be able to report how quickly  
 23 the cover is eroding so that we are prepared  
 24 should the cover erode more quickly than we

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<p style="text-align: right;">Page 18</p> <p>1 anticipate, that we can -- we can deal with that 2 eventuality. 3 Q Okay. 4 A That would be the primary. If I 5 may, I'll give you a secondary, which is obviously 6 we provide some -- some oversight, to the extent 7 that we're able, to make sure that Resolute is 8 obviously not seeking to erode that coverage any 9 quicker than they should. So by alerting me to 10 the larger item, I can at least understand what 11 their strategy is in dealing with those matters. 12 Q Excellent. Okay. Thank you. In 13 your role as the head of claims, you have already 14 mentioned certain financial data that you've 15 looked at. 16 What other -- I would like to get an 17 understanding, I suppose, of what kinds of 18 documents you look at as it pertains to Powell. 19 So do you receive any memos relating to the Powell 20 account? 21 A I have been copied on some e-mails 22 in the past. I think the majority of those were 23 probably more than 18 months ago. And I don't 24 recall the content of those e-mails as I sit</p>	<p>1 around 18 months ago. 2 Q Okay. 3 A It would be a -- I think it was a 4 number of e-mails where they were either from or 5 to Darilyn Michaud. And then the other e-mails, 6 the ones that I alluded to in my declaration, I 7 can't remember the name of the claimant, but they 8 would be the other e-mails that I have, probably 9 eight or 10 of them. 10 Q Okay. And that -- what you're 11 discussing now, that's exclusive of the e-mails 12 that you already discussed that you receive on a 13 monthly basis with financial data that pertains to 14 Powell, correct? 15 A Correct. 16 Q How did you determine -- well, I'll 17 get to that in a minute. Setting aside memos and 18 e-mails, do you receive any other kinds of 19 documents, or do you generate any other kinds of 20 documents that pertain to the Powell account? 21 A No. 22 Q Okay. No internal policies or 23 procedures at Armour that would apply to how the 24 Powell account is to be managed?</p>
<p style="text-align: right;">Page 19</p> <p>1 here. 2 I know there were a number of 3 e-mails which related to one particular claim, and 4 they were -- they were sent to me due to the fact 5 that there was some involvement in the process 6 that we went through to secure the transfer of the 7 OneBeacon portfolio to Armour. It was subject to 8 some litigation, and there was some involvement in 9 that particular claim in that regard is why they 10 were sent to me. 11 Q Okay. Let's back up a little bit. 12 I think my initial question was do you receive any 13 memos. And when I say memos, I don't mean -- I 14 don't mean e-mails. I mean just internal 15 documents or memoranda that someone drafts about 16 the Powell account. 17 A Oh, no. 18 Q No. Okay. And then with regard to 19 the e-mails, you said that you do -- you have 20 received -- you've been copied on some e-mails 21 relating to the Powell account, but the majority 22 of those, you said, were 18 months ago; is that 23 correct? 24 A They would be probably -- probably</p>	<p>1 A No. 2 Q Okay. Do you ever take handwritten 3 notes of any kind? I believe you -- you 4 referenced earlier on the call that you were 5 actually taking handwritten notes during this 6 deposition, correct? 7 A I had simply written your name 8 down. I haven't taken any other notes. 9 Q Okay. Is it your practice, though, 10 to take notes from time to time? 11 A From time to time when the need 12 arises, yes. 13 Q Okay. Mr. Loxley, do you keep a 14 file relating to the Powell account? 15 A No. I don't have any kind of file. 16 I have a folder in my e-mails in which I place my 17 -- any -- any specific e-mails relating to Powell 18 would go into that folder. 19 Q So every e-mail you get that relates 20 to Powell goes into that folder? 21 A Correct. 22 Q Okay. Off the top of your head, do 23 you know how many e-mails are in there? 24 A No.</p>

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1 Q Can you give me a ballpark at all?  
 2 I mean, is it -- is it 10, or is it 20? Is it  
 3 more than that?

4 A If I was to guess, I would say there  
 5 are probably around eight or 10, which are the  
 6 e-mails I was speaking about which are either  
 7 generated by or copied to or sent to Darilyn  
 8 Michaud. There's probably a similar number in  
 9 relation to that single claimant that I was  
 10 speaking about.

11 Q So is the e-mails that you have --

12 A And then there --

13 Q I'm sorry. I didn't mean to  
 14 interrupt you. Go ahead.

15 A Okay. And then there are -- and  
 16 this is where it gets a little difficult, because  
 17 there are a large number of e-mails in relation to  
 18 the making of the declaration and the scheduling  
 19 of this deposition today, so. And that's where  
 20 I'm -- I'm not sure how many of those there are,  
 21 but there's a -- there's a fair few of those.

22 Q Okay. What do you do with the  
 23 monthly e-mails that you discussed earlier?

24 A They're filed separately.

1 Q Have you ever received an e-mail  
 2 from Darilyn Michaud?

3 A I would have to check if any of  
 4 those e-mails were directly from her to me. I  
 5 don't recall as I sit here.

6 Q Okay. But you said that you don't  
 7 have a physical file or a desk file of some sort  
 8 relating to documents pertaining to Powell; is  
 9 that correct?

10 A That's correct.

11 Q Do you have access at your workplace  
 12 at Armour to a shared network space?

13 MR. GARNER: In general, or to  
 14 William Powell? What are we talking  
 15 about here, David?

16 MR. HINE: In general, first.

17 A Yes.

18 Q Are there any documents on that  
 19 shared network space that pertain to the Powell  
 20 account?

21 A The only documents I can think of  
 22 that I would be aware of would be the general  
 23 commingled financial data that we were speaking  
 24 about before.

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1 Q Okay. But you do maintain --

2 A They're not --

3 Q -- those?

4 A -- specific to Powell.

5 Q I apologize. I didn't mean to speak  
 6 over you. You do maintain those e-mails, though,  
 7 correct?

8 A Correct.

9 Q Okay. And with regard to the  
 10 Powell-specific e-mails that you put in a folder,  
 11 you believe that other than the e-mails that  
 12 pertain to the scheduling of this deposition,  
 13 those e-mails were drafted by Darilyn Michaud?

14 A Drafted by, or she was copied on the  
 15 e-mails, or they were to her.

16 Q Okay. Have you ever received an  
 17 e-mail from Darilyn Michaud?

18 MR. HINE: Someone's actually typing  
 19 on the line. Is that --

20 MR. GARNER: That's me taking  
 21 notes. I can mute it. That's not a  
 22 problem. I took you off because I  
 23 wasn't sure where you were going with  
 24 that. Go ahead.

1 Q Okay. Have you ever looked at that  
 2 shared network space for documents relating to  
 3 Powell?

4 A Not specifically, no.

5 Q And do you know who has access to  
 6 that shared network space?

7 A It would -- I know it would be the  
 8 individuals within the claims area that  
 9 specifically work on the OneBeacon business. I'm  
 10 not sure. Beyond that, I'm guessing there may be  
 11 IT access. I would have to check.

12 Q Okay. And that's fine. Do you save  
 13 any documents relating to Powell to your desktop  
 14 or laptop computer?

15 A No. Absolutely not.

16 Q Okay. All right. I'd like to talk  
 17 quickly about your communications as they pertain  
 18 to the Powell account.

19 You say in your declaration that you  
 20 communicate information concerning the Powell  
 21 account using e-mail and oral communications.

22 If we could talk about the e-mail  
 23 aspect of that first. With whom do you e-mail  
 24 about the Powell account?

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1 A So, historically, I would only have  
 2 e-mailed in relation to those e-mails that I was  
 3 discussing earlier. I believe I may have  
 4 communicated with a couple of individuals at  
 5 OneBeacon in relation to some of those e-mails.

6 And any other communications would  
 7 be by e-mail with either -- well, it would be --  
 8 it would be either Mr. Garner or one of his  
 9 colleagues.

10 Q Okay. You said you may have  
 11 communicated with some people at OneBeacon. Can  
 12 you identify who at OneBeacon you would have  
 13 communicated with?

14 A I think that name is in my  
 15 declaration. Can I refer to my declaration?

16 Q Well --

17 A It's Joe -- Joe Schmitt is one of  
 18 them. And I think there were two that I  
 19 identified, and I can't remember who the other one  
 20 was.

21 Q Sure. Let me see if I can jog your  
 22 memory. There's a paragraph where you say you  
 23 communicate with Tom Ryan, Brian Bendig, and John  
 24 Matosky at Resolute Management with regard to

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1 relating to the Powell account to either Joe  
 2 Schmitt or James Jordan?

3 A I seem to recall that I did. I  
 4 would have to check to be sure.

5 Q Okay.

6 A But I think I did.

7 Q Do you believe that you've received  
 8 e-mails from Joe Schmitt or James Jordan relating  
 9 to the Powell account?

10 A I believe I may have been copied on  
 11 e-mails. Whether they were directed directly to  
 12 me or whether I was copied on them, again, I would  
 13 have to check.

14 Q But those e-mails were authored by  
 15 James Jordan or Joe Schmitt?

16 A To the best of my recollection, yes.

17 Q Okay. Are you aware of any other  
 18 OneBeacon employees with whom you would have ever  
 19 e-mailed?

20 A No.

21 Q Okay. And then part of the  
 22 paragraph that I read in there, you also indicated  
 23 that you communicated with Tom Ryan, Brian Bendig,  
 24 and John Matosky at Resolute Management Company;

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1 high-level summary claims data and coverage  
 2 litigation updates in respect to the William  
 3 Powell account. I have previously communicated  
 4 with James Jordan and Joseph Schmitt at OneBeacon  
 5 in respect to the William Powell account. Does  
 6 that --

7 A Thank you. They're the two  
 8 individuals.

9 Q Okay. So James Jordan and Joseph  
 10 Schmitt at OneBeacon you would have communicated  
 11 with; is that correct?

12 A Correct.

13 Q Would those communications have been  
 14 by e-mail?

15 A Yes.

16 Q Okay. Did you ever send any e-mails  
 17 to Joe Jordan -- James Jordan or Joseph Schmitt?

18 A I would have to -- I would have to  
 19 check to confirm that. Again, it would be in  
 20 relation to the single case that I identified  
 21 where it had a bearing on the transfer of the  
 22 business to Armour.

23 Q Okay. But as you sit here today, is  
 24 it your belief that you have sent an e-mail

1 is that correct?

2 A That's correct.

3 Q Is there anybody else from Resolute  
 4 who you would have communicated with about the  
 5 Powell account -- or who you do communicate with,  
 6 I should say?

7 A That I do communicate with, no. I  
 8 don't recall anyone else that I would have spoken  
 9 to William Powell about, other than those I've  
 10 identified.

11 Q Okay. So I want to clarify  
 12 something, I guess. When did you assume  
 13 responsibility for the Powell account at Armour?

14 A If I may, I assumed responsibility  
 15 for oversight of the service agreement --

16 Q Certainly.

17 A -- as opposed to the Powell  
 18 account. The Powell account just happens to be  
 19 one of many that falls within that.

20 Q I apologize.

21 A But that -- that became effective  
 22 from the beginning of January of 2015.

23 Q Okay. So prior to January of 2015,  
 24 would there have been any reason for you to be

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<p style="text-align: right;">Page 30</p> <p>1 copied on any e-mails relating to Powell?    2 A No.    3 Q Okay. With regard to Tom Ryan at    4 Resolute, have you ever engaged in any e-mail    5 correspondence with Tom Ryan about Powell?    6 A No.    7 Q How about Brian Bendig?    8 A No.    9 Q And John Matosky?    10 A Not that I recall, no.    11 Q Have you ever done anything to    12 search your e-mails to confirm whether that's, in    13 fact, correct?    14 A I looked through the e-mails that    15 were in the folder that I mentioned before.    16 Q Okay. And I think I may have asked    17 this, but do you save every e-mail you receive    18 pertaining to Powell?    19 A Yes.    20 Q So do you believe you've discussed    21 all of the written e-mails that you've sent or    22 received pertaining to the Powell account already?    23 A I believe so, yes.    24 Q Okay. I want to talk about oral</p>	<p style="text-align: right;">Page 32</p> <p>1 A Tom Ryan, Brian Bendig, Robert    2 McCarthy, and from time to time other members of    3 Tom Ryan's team, as appropriate for whatever we're    4 discussing.    5 Q Who is Robert McCarthy?    6 A He's one of the senior claims    7 managers at Resolute.    8 Q Okay. He is not identified in your    9 declaration. Is there a reason -- did you look at    10 something after executing the declaration that    11 reminded you that you also spoke with Robert    12 McCarthy?    13 A No. I don't recall ever speaking to    14 Robert McCarthy about the Powell case.    15 Q Oh, okay. That's fair.    16 A He might have been in the room when    17 it was discussed, but he -- I don't believe it's a    18 case he's got any involvement with.    19 Q I understand. That was my -- that    20 was my lack of clarity.    21 Now, you also say in your    22 declaration that there are times when you may be    23 required to communicate material developments to    24 Armour senior management. Has that ever happened</p>
<p style="text-align: right;">Page 31</p> <p>1 communications.    2 A Okay.    3 Q How often do you communicate with    4 Resolute about the Powell account?    5 A I speak with Resolute quarterly,    6 generally about the various accounts, and on    7 occasions William Powell may be discussed.    8 Q Okay. And with whom are you    9 discussing those -- or who are on those calls, I    10 suppose?    11 A I'm sorry. Could you repeat that.    12 Q Sure. I should clarify, actually.    13 Are the communications in person, or by telephone?    14 A The communications are in person.    15 Q Okay. Do you travel to the United    16 States, or do they travel to London?    17 A I travel to the United States.    18 Q So on a quarterly basis you travel    19 to the United States to meet with Resolute about    20 the management of the OneBeacon contract; is that    21 correct?    22 A Correct. Correct.    23 Q Okay. And with whom do you meet    24 during those meetings?</p>	<p style="text-align: right;">Page 33</p> <p>1 with the Powell case?    2 MR. GARNER: All right. At this    3 point in time, Graham, I want to make    4 sure that we're clear about a couple    5 things, so give me just a second,    6 David.    7 We're having you appear here on    8 behalf of OneBeacon as a witness that's    9 being produced for documents and so    10 forth, but I want you just to be careful    11 about information that you share about    12 your own organization, which is not a    13 party to this litigation, which has not    14 been involved in these things.    15 So use your discretion as you go    16 through this series of questions, which    17 will probably be short, because Mr. Hine    18 is not interested in going through too    19 many details, but I think is just trying    20 to get some background information here,    21 okay?    22 Q Yeah. To be clear --    23 MR. HINE: Thank you, Rich.    24 Q To be clear, what I'm trying to do</p>

9 (Pages 30 to 33)

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<p style="text-align: right;">Page 34</p> <p>1 is just figure out -- you reference in your 2 declaration that in the event of material 3 developments, you may be required to communicate 4 such developments to Armour senior management. 5 I'm just trying to figure out if 6 there have ever been any material developments 7 that you have communicated to Armour senior 8 management. 9 A Can you just clarify if you mean in 10 respect to William Powell, or -- 11 Q Yes. 12 A -- on other matters in the 13 portfolio? 14 Q Yes. 15 MR. GARNER: William Powell would 16 only be the thing that we'd be talking 17 about here today, okay, Graham? So if 18 there's any others, don't go into any 19 others. 20 A Okay. So the answer to my question 21 -- to your question is no. 22 Q For the meetings that you have, the 23 quarterly meetings with Resolute, do you either 24 prepare or receive any written agendas?</p>	<p style="text-align: right;">Page 36</p> <p>1 preserve documents or collect any documents 2 relating to Powell? 3 A Only the e-mails in relation to this 4 latest discovery request. Nothing else. 5 Q Okay. And when were you asked to do 6 that? 7 A I would have to -- I would have to 8 check that. It would have been I think early 9 October -- end of September, early October, 10 maybe. I would have to check. 11 Q Okay. So in June or July of this 12 year nobody asked you to collect any e-mails? 13 A To the best of my recollection, no. 14 But, again, I would have to check. I can't 15 remember exactly when I was asked. 16 Q Okay. Has anyone ever asked you to 17 collect any notes or agendas that you have 18 relating to Powell? 19 A No. 20 MR. HINE: Mr. Loxley, I think 21 that's everything. 22 THE WITNESS: All right. 23 MR. GARNER: We'll reserve the right 24 to read. Other than that, Graham, thank</p>
<p style="text-align: right;">Page 35</p> <p>1 A Yes. I prepare an agenda. 2 Q Do you save those agendas? 3 A Yes. 4 Q Do you take any notes during your 5 meetings with Resolute? 6 A Occasionally. 7 Q Do you save your notes? 8 A Yes. 9 Q Other than the quarterly meetings 10 that you've already mentioned, do you have any 11 other oral communications with anybody at Resolute 12 about the Powell account? 13 A No. 14 Q How about people at OneBeacon? 15 A No. 16 Q Do you have any oral or written 17 communications with anybody at National Indemnity 18 Company, or NICO, pertaining to the Powell 19 account? 20 A No. 21 Q Give me one moment here. 22 A Sure. 23 Q Sorry about that, Mr. Loxley. 24 Have you ever been instructed to</p>	<p style="text-align: right;">Page 37</p> <p>1 you very much. 2 (Deposition concluded at 11:40 a.m.)</p>

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1                   ACKNOWLEDGEMENT

2  
3                   STATE OF OHIO :  
4                   COUNTY OF HAMILTON :

5                   I, Graham Loxley, have read the transcript of  
6                   my testimony, given as if under oath, on December  
7                   8, 2016.

8                   Having had the opportunity to note any  
9                   necessary corrections of my testimony on the  
10                  errata page, I hereby certify that the  
11                  above-mentioned transcript is a true and complete  
12                  record of my testimony.

13  
14  
15  
16  
17                   GRAHAM LOXLEY

18  
19  
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21  
22  
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24

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1                   CERTIFICATE

2  
3                   I, Renee Rogers, a notary public within  
4                   and for the State of Ohio, do hereby certify that  
5                   the within 38 pages were taken by me in stenotypy  
6                   and transcribed by computer-aided transcription,  
7                   and that this is a true, accurate, and complete  
8                   transcription of the same.

9  
10  
11                  My commission expires:    Renee Rogers  
12                  April 13, 2021       Notary Public-State of Ohio

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